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Modifies Public Employee Pension Benefits.
Eliminate Authority to Set Public Employee
Retirement Benefits by Contract or Collective
Bargaining. Initiative Constitutional Amendment.

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Modifies Public Employee Pension Benefits. Eliminate Authority to Set Public Employee Retirement Benefits by Contract or Collective Bargaining. Initiative Constitutional Amendment. California Initiative 1484 (2011).
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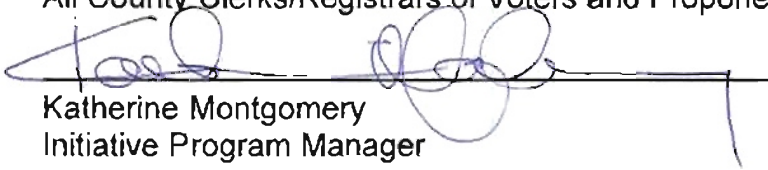
DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

November 2, 2011

County Clerk/Registrar of Voters (CC/ROV) Memorandum #11107

TO: All County Clerks/Registrars of Voters and Proponent

FROM: 
Katherine Montgomery
Initiative Program Manager

RE: Initiative: Failure of #1484, Related to Public Employee Pensions

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures for the hereinafter named initiative constitutional amendment filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: MODIFIES PUBLIC EMPLOYEE PENSION BENEFITS.
ELIMINATES AUTHORITY TO SET PUBLIC EMPLOYEE
RETIREMENT BENEFITS BY CONTRACT OR COLLECTIVE
BARGAINING. INITIATIVE CONSTITUTIONAL AMENDMENT.

SUMMARY DATE: May 23, 2011

PROPONENT: Roger Niello



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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May 24, 2011

County Clerk/Registrar of Voters (CC/ROV) Memorandum #11037

TO: All County Clerks/Registrars of Voters and Proponent

FROM:


Katherine Montgomery
Initiative Program Manager

RE: Initiative: 1484, Related to Public Employee Pensions

Pursuant to Elections Code section 9004 (c), we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**MODIFIES PUBLIC EMPLOYEE PENSION BENEFITS.
ELIMINATES AUTHORITY TO SET PUBLIC EMPLOYEE
RETIREMENT BENEFITS BY CONTRACT OR COLLECTIVE
BARGAINING. INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

Roger Niello
c/o Thomas W. Hiltachk
455 Capitol Mall, Suite 600
Sacramento, CA 95814

(916) 442-7757

#1484

**MODIFIES PUBLIC EMPLOYEE PENSION BENEFITS.
ELIMINATES AUTHORITY TO SET PUBLIC EMPLOYEE
RETIREMENT BENEFITS BY CONTRACT OR COLLECTIVE
BARGAINING. INITIATIVE CONSTITUTIONAL AMENDMENT.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 807,615
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Monday, 05/23/11
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elections Code § 336) Monday, 05/23/11
 - b. Last day Proponent can circulate and file with the county.
All sections are to be filed at the same time within each
county. (Elections Codes §§ 9014 (a), 9030(a))..... Thursday, 10/20/11
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (Elections Code § 9030(b))..... Tuesday, 11/01/11

(If the Proponent files the petition with the county on a date prior to
10/20/11, the county has eight working days from the filing of the petition
to determine the total number of signatures affixed to the petition and to
transmit the total to the Secretary of State) (Elections Code § 9030(b).)
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures
and notifies the counties..... Thursday, 11/10/11*
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(Elections Code §§ 9030(d)(e))..... Wednesday, 12/28/11

* Date varies based on the date of county receipt.

INITIATIVE #1484

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 11/10/11, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elections Code §§ 9030(d)(e).)

- f. If the signature count is more than 888,377 or less than 767,235 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 767,235 and 888,377 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (EC §9030(f)(g); 9031(a)) Saturday, 01/07/12*

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elections Code §§ 9031(b)(c)). Wednesday, 02/22/12

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 01/07/12, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elections Code §§ 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elections Code §§ 9031(d), 9033)..... Sunday, 02/26/12*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code § 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code §§ 100, 101, 104, 9008, 9009, 9013, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 445-4752
Facsimile: (916) 324-8835
E-Mail: Krystal.Paris@doj.ca.gov

May 23, 2011

FILED
In the office of the Secretary of State
of the State of California

MAY 23 2011

VIA EMAIL
5:14pm

Honorable Debra Bowen
Secretary of State
Office of the Secretary of State
1500 11th Street, 6th Floor
Sacramento, CA 95814

Debra Bowen, Secretary of State
By [Signature]
Deputy Secretary of State

Attention: Ms. Katherine Montgomery
Elections Analyst

Dear Secretary Bowen:

Pursuant to Elections Code section 9004, you are hereby notified that on this day we sent our title and summary for the following proposed initiative to the proponent:

- 11-0007, "Public Employee Pension Reform Act" (Amdt. #1-NS.)

Please contact me if you have questions. Thank you.

Sincerely,

K. Paris

KRYSTAL M. PARIS
Initiative Coordinator

For KAMALA D. HARRIS
Attorney General

KMP:lb
Enclosures as stated above

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

MODIFIES PUBLIC EMPLOYEE PENSION BENEFITS. ELIMINATES AUTHORITY TO SET PUBLIC EMPLOYEE RETIREMENT BENEFITS BY CONTRACT OR COLLECTIVE BARGAINING. INITIATIVE CONSTITUTIONAL AMENDMENT. Sets

retirement age at 62 for persons who are or will be public employees. Limits pensions to 60 percent of employee's highest average base wage for three consecutive years. Requires employees match public agency pension contribution. Mandates public employees work full-time for five consecutive years to receive pension. Provides public agency full discretion to modify pensions, and prevents pension changes through contract or collective bargaining.

Retains current pension benefits for legislators and public employees retiring before initiative is effective. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Major reductions in state and local defined benefit pension contributions -- potentially totaling billions of dollars per year (as measured in today's dollars) -- over the long run. These reductions would be offset to an unknown extent by increases in other compensation costs for some public employees, depending on labor market conditions and future decisions made by governmental entities. (11-0007.)**

March 25, 2011

Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

11-0007
Amdt. #1NS
RECEIVED
MAR 25 2011

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Corrected Version of Public Employee Pension Reform Act

Dear Ms. Paris:

Please find attached a corrected version of the "Public Employee Pension Reform Act." As you know, there was a typographical error on the second page of the initiative that I submitted to your office yesterday.

Thank you for your courtesy and cooperation.

Very Truly Yours,

Roger Niello

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO VOTERS

SECTION 1. STATEMENT OF FINDINGS

A. Government has an obligation to provide adequate health and retirement benefits to its employees;

B. At the same time, government has a responsibility to its taxpayers to insure that such benefits are reasonable and adequately funded;

C. Pension benefits for existing employees are excessive and threaten the economic viability of state and local governments. A recent report by the State's Little Hoover Commission concludes that the current system is fiscally "unsustainable";

D. Government finance experts have determined that the pension and retiree health provided public employees are significantly more generous than other states. It has been reported that more than 15,000 persons receive pension benefits in excess of \$100,000 per year. Under the current system, some public employees can actually receive more income in retirement than they earned while working.

E. In the 1930's, our state established a retirement age for government employees of 65. Now many government employees can retire in there 50's, notwithstanding a much longer life expectancy. As a result, many retirees will receive a government pension for more years than they actually worked for the government.

F. The current system has led to billions of dollars of unfunded liabilities for pension obligations of government employees. The taxes needed to adequately fund such benefits would crush the economy. The investment proceeds needed to fund such benefits are non-existent. Many local governments will be threatened with bankruptcy if no change is made right now.

SECTION 2. STATEMENT OF PURPOSE

- A. The people hereby enact the "Public Employee Pension Reform Act" to;
- 1) provide fiscally responsible pension benefits for all government employees; and
 - 2) Reform the excessive pension benefits provided to current government employees.

SECTION 3. Public Employee Pension Reform Act

Section 12 of Article VII of the California Constitution is added to read:

Sec. 12(a) Public agencies may provide reasonable pension benefits for all employees hired after the effective date of this section, subject to all of the limitations of this section.

(b) Any plan providing for pension benefits for employees of a public agency who are employed on the effective date of this section, shall comply with retirement age limitation in subdivision (f)(1), whether enacted by law or by contract, notwithstanding section 9 of Article I.

(c) This section does not apply to or limit disability benefits for public agency employees or death benefits for families of public agency employees.

(d) Public agencies shall retain exclusive authority to modify the terms of pension, retiree health, or other retirement benefits provided to its employees and may not relinquish such authority in any employee contract or collective bargaining agreement.

(e) A public agency may not provide retroactive increases in pension benefits to any public agency employee under any plan.

(f) A public agency providing pension benefits to its employees shall:

(1) provide for full retirement ages of all employees no less than 62 years of age;

(2) require a public agency employee to have been a full time employee of one or more public agencies for at least five consecutive years;

(3) limit retirement benefits for a public agency employee to no more than sixty percent (60%) of the highest annual average base wage of the employee over a period of three consecutive years of employment by a public agency. Any additional payment, including but not limited to, overtime pay, bonus pay, severance pay, and payments for accrued but unused vacation and sick days shall be excluded from calculating the annual average base wage.

(4) require the public agency employee to contribute an amount at least equal to the amount provided by the public agency to fund the plan.

(g) As used in this section:

(1) "Public agency employee" and "employee" mean a person who is or becomes a full-time employee of a public agency.

(2) "Public agency" means the state or a political subdivision of the state, including, but not limited to, counties, cities, charter counties, charter cities, charter city and counties, school district, special districts, boards, commissions, the Regents of the University of California, California State University, and agencies thereof.

(3) "Pension" or "pension benefits" means a plan or trust providing a pension benefit determined by a formula based on factors such as age, years of service, and compensation, or a plan or trust.

(h) The Legislature may adopt legislation implementing this section and only to further the purposes of this section by a bill passed by rollcall vote entered into the journal, two-thirds of the members concurring.

(i) Nothing in this Section shall terminate, amend, modify or in any way affect the retirement benefits or other benefits provided Members of the Legislature pursuant to Section 4.5 of Article IV.

(j) Nothing in this section shall repeal, modify, change or impair the pension benefits of persons who are receiving or are entitled to receive such benefits as a result of that person's retirement from public agency employment prior to the effective date of this section.

SECTION 4. Severability

The provisions of this Act are severable. If any provision of this Act or its application is held invalid, that finding shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SECTION 5. Effective Date

This Act shall become effective immediately upon its approval by the voters pursuant to Section 10(a) of Article II. No public agency may enter into any employment contract or collective bargaining agreement providing for retirement benefits in excess of the limitations imposed by this Act.